

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

To:

RIEBLING, Peter  
Postfach 31 60  
88113 Lindau/B  
ALLEMAGNE

Class: 02788  
Inventor:

Date: 13. FEB. 2006

PA. Dr. Peter Riebling

Search: Germany

H. J. J. J.

### NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing  
(day/month/year)

09.02.2006

Applicant's or agent's file reference  
18062.1-D2788

### IMPORTANT NOTIFICATION

International application No.  
PCT/EP2004/013159

International filing date (day/month/year)  
19.11.2004

Priority date (day/month/year)  
21.11.2003

Applicant  
T-MOBILE DEUTSCHLAND GMBH et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

#### 4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:



European Patent Office  
D-80293 Munich  
Tel. +49 89 2399-0 Tx: 523655 epmu d  
Fax: +49 89 2399-4465

Authorized Officer

Finnie, A

Tel. +49 89 2399-8251







# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 18062.1-D2786		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/EP2004/013159		International filing date (day/month/year) 19.11.2004		Priority date (day/month/year) 21.11.2003
International Patent Classification (IPC) or national classification and IPC H04Q7/28, H04Q7/38		  		
Applicant T-MOBILE DEUTSCHLAND GMBH et al				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of five sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand  08.06.2005		Date of completion of this report  09.02.2006		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80299 Munich Tel. +49 89 2399-0 Tx: 523655 epmu d Fax: +49 89 2399-4465		Authorized Officer Rabe, M Telephone No. +49 89 2399-8251		

**INTERNATIONAL PRELIMINARY REPORT  
 ON PATENTABILITY**

International application No.  
 PCT/EP2004/013159

**Box No. I Basis of the report**

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
    - ☐ international search (under Rules 12.3 and 23.1(b))
    - ☐ publication of the international application (under Rule 12.4)
    - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the elements\* of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

**Description, Pages**

1, 2, 4-8	as originally filed
3, 3a	received on 21.09.2005 with letter of 19.09.2005

**Claims, Numbers**

1-8	filed with telefax on 02.12.2005
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**Drawings, Sheets**

1/2, 2/2	as originally filed
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☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing *(specify)*:
- ☐ any table(s) related to sequence listing *(specify)*:

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing *(specify)*:
- ☐ any table(s) related to sequence listing *(specify)*:

\* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/EP2004/013159

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-8
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-8
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

Reference is made to the following documents:

- D1: ETSI TS 143 068 V5.2.0 (2002-12), "Digital cellular telecommunications system (Phase 2+); Voice Group Call Service (VGCS); Stage 2 (3GPP TS 43.068 version 5.2.0 Release 5)
- D2: US 2003/0100326 A1

Citations and explanations made in respect of paragraph V:

1. The subject-matter of claims 1 to 8 is new, Article 33 (2) PCT, as none of the available prior art documents discloses, when taken alone, all the features of said claims.
2. However, document D1 (see in particular paragraphs 4.2.1.1, 5.1, 11.3.1.3 and 11.3.8; Figures 1 and 2) discloses, in accordance with the main features of claim 1, a method for providing active members of a Voice group Call Service with additional information (see in particular lines 1 to 5 of part a) of paragraph 11.3.1.3), wherein the additional information is transmitted in a message (see "notification message" in paragraphs 4.2.1.1 and part a) of 11.3.1.3) on a common control channel (see "NCH" in paragraphs 4.2.1.1 and part a) of 11.3.1.3) for a traffic channel of the voice group (see in particular lines 13 to 14, 21 to 23 and 30 to 31 of paragraph 4.2.1.1; lines 7 to 9 of part a) of paragraph 11.3.1.3), wherein the message contains a voice group call reference (see in particular lines 32 to 35 of paragraph 4.2.1.1; lines 4 to 5 of part a) of paragraph 11.3.1.3), wherein a mobile switching center MSC triggers via an additional-information-request message on an A-interface a base station subsystem BSS to send the additional information to the group members (see in particular lines 10 to 12 and 21 to 23 of paragraph 4.2.1.1; lines 7 to 10 of part b) of paragraph 11.3.1.3; see also signalling shown in Figure 2 on page 27), and wherein the BSS sends the additional information on a common control channel of all traffic channels where the VGC is ongoing (see in particular lines 13 to 14, 21 to 23 and 30 to 31 of paragraph 4.2.1.1; lines 7 to 9 of part a) of paragraph 11.3.1.3).

The subject-matter of claim 1 differs from that disclosed in document D1 merely in



that the additional information is transmitted in a message on an **associated control channel** (note that in document **D1**, the message is transmitted on the Notification Channel NCH, which is a common control channel for the transmission of notifications).

However, this distinguishing feature represents a simple technical detail which is well known to the skilled person. In particular, document **D1** (see in particular paragraphs 4.2.1.1 and 11.3.1.3) already discloses the principle of using different types of associated control channels (ie. FACCH and SACCH) for the transmission of information.

The skilled person being aware of the method described in document **D1** and wishing to provide further improvements thereto in terms of efficiency, would therefore arrive, by simply using, instead of a specific channel (ie. Notification Channel) as proposed in document **D1**, one of the commonly available associated control channels for the transmission of the message including the additional information, **without the exercise of inventive skill**, at the method corresponding to the subject-matter of claim 1.

The subject-matter of independent claim 1 therefore does not involve an inventive step, Article 33 (3) PCT.

3. The same considerations as made in above paragraph 2 relating to lack of inventive step of claim 1 are also valid for **independent claim 8** since claim 8 is based on the same feature combination as claim 1 in terms of a claim relating to a system.

The subject-matter of claim 8 therefore also does not involve an inventive step, Article 33 (3) PCT.

4. **Dependent claims 2 to 7** do not contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step for the reason that the subject-matter of said claims either is in principle directly derivable from the disclosure of document **D1** (see in particular paragraphs 4.2.1.1, 5.1, 11.3.1.3 and 11.3.8; Figure 1), or relates to minor technical details which

**INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(SEPARATE SHEET)**

International application No.

PCT/EP2004/013159

represent general knowledge of the person skilled in the field of group call communication techniques.

Dependent claims 2 to 7 therefore do not meet the requirements of Article 33 (3) PCT.

5. The subject-matter of claims 1 to 8 is susceptible of industrial application, Article 33 (4) PCT.